MUNICIPAL CORPORATIONS—PUBLIC NUISANCE—RIGHT TO RESTRAIN AND ENJOIN.—The defendants operated a sugar refining plant from which quantities of smoke, soot, dust, and cinders escaped and fell upon the streets and public places of the city and upon the persons and property of the residents. The city council had power to determine and abate public nuisances but had passed no ordinance declaring the defendant's manufacturing plant a nuisance. In an action by the city to enjoin the maintenance of the nuisance, it was *held,* that in the absence of express statutory authority a municipal corporation cannot maintain an action in equity to enjoin a public nuisance of this character which does not specially affect corporate property, even though the private property of many citizens may be affected thereby. (HIRSCHBERG, J., dissenting.) *City of Yonkers* v. *Federal Sugar Refining Co.* (1910), 121 N. Y. Supp. 494.

The law is well settled that an individual can maintain an action for the abatement of a public nuisance only in case he sustains special injury. "The public remedy is ordinarily by indictment for the punishment of the offender, * * * or by bill in equity filed in behalf of the people." *Crowder* v. *Tinkler* (1816), 19 Ves. Jr. 616; *Lawton et al.* v. *Steele* (1890), 119 N. Y. 226, 23 N. E. 878, 7 L. R. A. 134, 16 Am. St. Rep. 813; *Griffith* v. *McCollum* (1866), 46 Barb. 561. But the authorities are not entirely harmonious upon the right of a municipal corporation to enjoin a public nuisance, when the city in its corporate capacity receives no damages of a special nature. The cases precisely in point are not numerous, but the decision in the principal case is supported by *Township of Belleville* v. *City of Orange* (1905), 70 N. J. Eq. 244, 62 Atl. 331; *Inhabitants of Winthrop* v. *New England Chocolate Co.* (1902), 180 Mass. 464, 62 N. E. 969; *Dover* v. *Portsmouth* (1845), 17 N. H. 200, 215. But a contrary doctrine is held in *City of Huron* v. *Bank of Volga* (1896), 8 S. D. 449, 66 N. W. 815, 59 Am. St. Rep. 769; *Village of Pine City* v. *Munch et al.* (1890), 42 Minn., 342; *City of Llano* v. *County of Llano* (1893), 5 Tex. Civ. App. 132, 23 S. W. 1008. As a municipal corporation is a governmental agency, a representative of the State in duty bound to protect its citizens, there seems to be no valid reason why in cases involving the health of the inhabitants it may not maintain an action in equity to abate a public nuisance. 1 Dill. Mun. Corp. Ed. 4, § 379; *Dover* v. *Portsmouth,* supra 215.

NEGLIGENCE—"TURNTABLE DOCTRINE."—The plaintiff's intestate was injured while playing on a turntable belonging to the defendant. It appeared that it was on private property but was near a private road much used by the public. Though the turntable was fastened it was neither locked nor guarded and the fastening was easily removed by a child. *Held,* that the defendant was not liable for the injuries to the child. *Reid* v. *Harmon* (1910), — Mich. —, 125 N. W. 761.

The "turntable doctrine" is that when a very young child is injured while playing on a turntable which the railroad company has left unguarded and so unsecured that children may put it in motion, the company is liable for the injury, notwithstanding the child is a technical trespasser. This doctrine